UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

JOHN JOHNSON	: :	
Plaintiff(s),	: :	MDL No. 2419
	:	Master Docket No. 1:13-md-2419-FDS
v.	:	
	:	Honorable F. Dennis Saylor
	:	
UNIFIRST CORPORATION, A/D/B/A	:	
UNICLEAN CLEANROOM	:	
SERVICES, SPECIALTY SURGERY	:	
CENTER, PLLC	:	
Defendants.	:	

CORRECTED SHORT FORM COMPLAINT AGAINST UNAFFILIATED DEFENDANTS

Plaintiff(s), John Johnson complaining against the Defendants, allege(s) as follows:

FIRST COUNT

- 1. Pursuant to MDL Order No. 7, entered in *In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation*, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto.
 - 2. Plaintiff is a resident of the State of Tennessee.
 - 3. Plaintiff brings this action [Check the applicable designation]:

○ On behalf of herself/himself.	
As the representative of	who is a living person.

As the A	Adminis	trator, Administrator ad Prosequendum, or other representative of the Estate
of		(hereinafter "Decedent"), who died on
4.	Plain	tiff asserts that he was administered the New England Compounding
Pharmacy, I	nc. ("N	ECC") drug Methylprednisolone Acetate (hereinafter referred to as "NECC
drug"), causi	ing inju	ries and damages.
5.	The a	aforesaid administration of the NECC drug occurred on: September 11, 2012
at Specialty	Surgery	Center, PLLC, which located in Crossville, Tennessee. The injection was
administered	l by Dr.	Kenneth R. Lister.
6.	Spec	ialty Surgery Center, PLLC is hereinafter referred to as "Clinic Related
Defendant."		
7.	Plain	tiff(s) adopt(s) and incorporate(s) by reference the following Causes of
Action asser	ted agai	nst the Defendants in the Master Complaint:
	\boxtimes	COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)
		COUNT III: NEGLIGENCE AMD GROSS NEGLIGENCE (Against Clinic Related Defendant)
		COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendant)
		Plaintiff(s) allege violation of the following consumer protection statute(s): T.C.A. § 47-18-101, <i>et seq</i> .
		COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)
		COUNT VII: BATTERY (Against Clinic Related Defendant)
		COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendant)
	\boxtimes	COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendant)

- COUNT X: AGENCY (Against Clinic Related Defendants)
 COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
 COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
 COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
 COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
- 8. Plaintiff(s) have sent or served the pre-suit notice or demand requirements necessary to bring the claims set forth below, as required under Tenn. Code Ann. §§ 29-26-121 and 29-26-122.
- 9. Plaintiff John Johnson claims to have suffered the following injuries as a result of the administration of NECC's drug: exposure to contaminated steroid; various symptoms of fungal meningitis including but not limited to: nausea, neck stiffness, headache and fever, all of which necessitated a painful lumbar puncture procedure, as well as emotional distress.

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

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JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully submitted,

GOLOMB & HONIK, P.C.

/s/ Kevin W. Fay

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Attorneys for Plaintiffs

Date: December 19, 2013

CERTIFICATE OF SERVICE

I, Kevin W. Fay, hereby certify that on this 19th day of December 2013, I caused a copy of the above Short Form Complaint to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/s/ Kevin W. Fay
Kevin W. Fay